

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SUNNYVALE AMENDING CHAPTER 5.04 OF THE SUNNYVALE
MUNICIPAL CODE RELATED TO BUSINESS LICENSE TAX
PROCEDURES**

THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS
FOLLOWS:

SECTION 1. CHAPTER 5.04 AMENDED. Chapter 5.04 of the Sunnyvale Municipal Code is hereby amended by amending Section 5.04.110 to read as follows:

5.04.110. License tax – Imposed.

There is hereby imposed a yearly license tax upon every person transacting, engaging in, or carrying on any business within the city; ~~the.~~ The amount of ~~which is hereby fixed and established~~ the tax is calculated as follows:

(a) (For the tax due January 1, 2007) For businesses based on employees or rental units, \$20 for the first employee, \$30 for 2-5 employees or rental units, or portion thereof, and an additional \$25 for each additional group of 5 employees or rental units, or portion thereof, up to a maximum of \$4,750.

(b) (For the tax due January 1, 2008) For businesses based on employees or rental units, \$30 for the first employee, \$50 for 2-5 employees or rental units, or portion thereof, and \$50 for each additional group of 5 employees or rental units, or portion thereof, up to a maximum of \$9,500.

(c) For businesses with both employees and rental units, the tax shall be based on the greater number of employees or rental units.

(d) (For the tax due January 1, 2009 and thereafter) The amount of the tax and cap shall be indexed annually, based upon the San Jose/San Francisco/Oakland MSA Consumer Price Index. The indexed amounts shall be set forth each year in the City's Master Fee Resolution.

~~SCHEDULE I. NAMED BUSINESSES~~

		License Tax	
Description of Business		Per Day	Per Year
Auctioneer			
(a)	With a fixed place of business \$	50.00	--
(b)	Without a fixed place of business \$	75.00	--
Carnival		50.00	--
Circus		50.00	--
Pawnbroker		--	\$100.00

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~~SCHEDULE II. RENTAL OF REAL PROPERTY OR PERSONS OR BUSINESSES NOT DESCRIBED IN SCHEDULE I AND WHICH HAVE A FIXED PLACE OF BUSINESS~~

Number of Employees or Rental Units	License Tax Per Year
0-5	\$ 10.00
6-10	20.00
11-15	30.00
16-20	40.00
21-25	50.00
26-30	\$ 60.00
31-35	70.00
36-40	80.00
41-45	90.00
46-50	100.00
51-55	110.00
56-60	120.00
61-65	130.00
66-70	140.00
71-75	150.00
76-80	160.00
81-85	170.00
86-90	180.00
91-95	190.00
96-100	200.00
101-105	210.00
106-110	220.00
111-115	230.00
116-120	240.00
121-125	250.00
126-130	260.00
131-135	270.00
136-140	280.00
141-145	290.00
146 and above	300.00

~~SCHEDULE III. PERSONS OR BUSINESSES NOT DESCRIBED IN SCHEDULE I OR SCHEDULE II AND WHICH DO NOT HAVE A FIXED PLACE OF BUSINESS~~

Number of Employees	License Tax Per Year
0-5	\$ 35.00
6-10	45.00
11-15	55.00

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Number of Employees	License Tax Per Year
16-20	65.00
21-25	75.00
26-30	85.00
31-35	95.00
36-40	105.00
41-45	115.00
46-50	125.00
51-55	135.00
56-60	145.00
61-65	155.00
66-70	165.00
71-75	175.00
76-80	185.00
81-85	\$ 195.00
86-90	205.00
91-95	215.00
96-100	225.00
101-105	235.00
106-110	245.00
111-115	255.00
116-120	265.00
121-125	275.00
126-130	285.00
131-135	295.00
136-140	305.00
141-145	315.00
146 and above	325.00

SECTION 2. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 3. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 4. EFFECTIVE DATE. This ordinance shall be adopted, if approved, by a majority of the voters voting on the measure, at an election to be held November 8, 2005, and shall go into effect January 1, 2006, after the City Council has, by resolution, declared that the ballot measure was approved by a majority of voters voting thereon.

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Introduced at a regular meeting of the City Council held on June ___, 2005, for submission to the voters at an election to be held on November 8, 2005, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVAL AS TO FORM AND LEGALITY:

David E. Kahn, City Attorney

Submitted to the voters and approved by a vote of _____ as declared by Resolution No. _____ of the City Council, dated _____, 2005.

As Mayor of the City of Sunnyvale, I do hereby approve the foregoing Ordinance this ____ day of _____, 2005.

Mayor